IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ petition No. 1071(S/S) of 2006

Deen Dayal Khanduri,
S/o late Sri M.P. Khanduri,
R/o Clerk, Jila Sahakari Bank Ltd.,
Srinagar,
Pauri Garhwal. **…….Petitioner**

V e r s u s

1. Secretary, General Manager, Jila Sahakari Bank Ltd., Garhwal, Kotdwar.
2. Branch Manager, Jila Sahakari Bank Ltd., Srinagar, Pauri Garhwal.

….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tumul Nailwal, learned counsel for the petitioner and learned standing counsel for respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) Issue a writ, rule order or direction in the nature of Certiorari calling for the records and quashing the impugned transfer order dated 26.07.2006. (Annexure No. 3) passed by respondent no; 1 so far as the petitioner is concerned.

(b) Issue a writ, rule order or direction in the nature of Mandamus commanding and directing the respondents not to interfere in the peaceful functioning of the petitioner as Clerk / Cashier in Jila Sahakari Bank Srinagar, Pauri Garhwal.

(c) Issue any other order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

(d) award the costs of the petition in favor of the petitioner.

Petitioner, who is working as Clerk / Cashier in District Cooperative Bank, Sri Nagar, District –Pauri Garhwal, is aggrieved with transfer order dated 26.07.2006. Passed by respondent no. 1 by which he has been transferred form Stringer to Tailisain, District – Pauri Garhwal.

Petitioner has challenged this transfer order on two grounds. First, there is policy of bank to the effect that prior to transferring the employee of the bank options should be invited from him for the places where he can be transferred and in pursuance to the aforesaid provision, options were invited and petitioner had opted for three places i.e. Kotdwar, Pawo and Kanshkhet, However instead of transferring him to these three places for which he had opted and he has been transferred to Thailisain. The second ground is that his only daughter is studying in B.Sc. Part III at Srinagar and in case, petitioner is transferred to Thailisain, her daughter will have to face difficultly as there is no degree college at Thailisain.

Transfer of the petitioner is virtually made in mid academic session and by the impugned transfer order study of petitioner's daughter will certainly be affected.

Learned counsel for the petitioner has submitted that petitioner has no objection if he would be transferred after completion of his daughter's B.Sc.

Raising all his grievances, petitioner has already preferred representation dated 31.07.2006. Before respondent

no.1, which Annexure No. 5 to the writ petition and the same is still pending.

Considering the fact that petitioner's only daughter is studying in B.Sc. Part III at Stringer and in case, petitioner is compelled to join at Thalisain the whole family of the petitioner will be disturbed, as there is no degree college at new place of posting where his daughter could get admission. Further in view of the undertaking given by the petitioner that petitioner has no objection if he would be transferred in the next year i.e. after completion of his daughter's B.Sc. I deem it fit and proper to direct the respondent no. 1 to decide the representation of the petitioner dated 31.07.2006 by speaking order within a period of four weeks from the date of production of certified copy of this order and petitioner is also directed to supply the copy of this order within a period of one week from today. Till the decision is taken by the respondent no. 1 on the representation of the petitioner dated 31.07.2006, impugned transfer order dated 26.07.2006, so far it relates to the petitioner .shall be kept in abeyance.

With this direction writ petitions finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 07, 2006
SKSharma